



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/018,769

12/21/2001

Sandrine Decoster

05725.0993

2464

22852

7590

09/08/2008

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP

901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

YU, GINA C

ART UNIT

PAPER NUMBER

1617

MAIL DATE

DELIVERY MODE

09/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 1617

Continuation of 11. does NOT place the application in condition for allowance because:

While applicants assert that the obviousness rejection allegedly lacks motivation to combine the teachings of the references, the rejection discusses facts drawn out from the references and what would have taught a reasonable skilled artisan in cosmetic art. Applicant asserts that the weight range of stearyl and behenyl alcohol does not overlap with the weight range of Mitsumatsu, but it is not clear why those two ranges must overlap in order to convey to a skilled artisan that using the Oshima's weight range and weight ratio of the fatty alcohol would make a beneficial and improved hair cosmetic, when the reference clearly teaches the benefits as discussed in the rejection.

In response to applicant's argument that Oshima teaches two additional components in addition to the stearyl and behenyl alcohols, applicant is reminded that the scope of the presently claimed invention is open to include any other components not recited in the claim. Furthermore, the teaching of the two additional components does not in any way teach away or mitigate motivation to use the fatty alcohols according to the Oshima invention and make improvement on the Mitsumatsu invention.

Regarding the Sebag reference, applicant asserts that Sebag does not suggest that idalkylehter is response for the pearlescent effect. The argument is not persuasive for the reason of the record, as stated in the rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GINA C. YU whose telephone number is (571)272-8605.

Art Unit: 1617

The examiner can normally be reached on Monday through Friday, from 8:00AM until 5:30 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gina C. Yu/
Primary Patent Examiner, Art Unit 1617